HUSCH BLACKWELL

111 Congress Avenue, Suite 1400 Austin, Texas 78701 512.472.5456



Nikelle S. Meade
Partner
512.479.1147 direct
512.226.7373 direct fax
nikelle meade@huschblackwell.com

October 7, 2014

VIA EMAIL - Sherri.Sirwaitis@austintexas.gov

Sherri Sirwaitis
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

RE: Postponement Request for Planning Commission (4500 Speedway; Case No. C14-2014-0111)

Dear Ms. Sirwaitis:

On behalf of Navid Hoomanrad, the applicant in the above-referenced zoning case, I respectfully request that the Planning Commission's hearing on this item be postponed from the October 14th meeting to the October 28th meeting. After several discussions with City staff and the Hyde Park Neighborhood Association, the applicant has decided to amend the zoning request. We are requesting a postponement to the October 28th Planning Commission meeting to allow adequate time for City staff to notify the surrounding properties of the amended zoning application.

Thank you for your consideration of this request, and please contact me if you need any additional information.

Sincerely,

Nikelle S. Meade

elle S. Alede

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0111 (4500 Speedway)

P.C. DATE: September 9, 2014

October 14, 2014

ADDRESS: 4500 Speedway

OWNER/APPLICANT: Navid Hoomanrad

AGENT: Husch Blackwell, LLP (Alexandra Jashinsky)

ZONING FROM: SF-3-NCCD-NP **TO:** LR-NCCD-NP **AREA:** .1873 acres

(8,158.79 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning.

However, if the requested zoning is recommended for this site by the Planning Commission, then Transportation review recommends that 30 feet of right-of-way from the centerline of Speedway be dedicated to the City through a street prior to 3rd reading of this case at City Council in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

PLANNING COMMISSION RECOMMENDATION:

9/09/14: Postponed to October 14, 2014 at the request of applicant (6-0, A. Hernandez, J. Nortey and L. Varghese-absent); S. Oliver-1st, J. Stevens-2nd.

ISSUES:

There is an active code violation on the site. On July 23, 2009, a Notice of Code Violation was submitted on this property for the unpermitted removal of a 23 inch Hackberry tree. The Environmental Inspector stated in her comments that 100% mitigation is required with 23 inch class one trees to be planted, a minimum 2 inches in diameter (Please see Code Violation - Attachment A).

According to Residential Plan Review, the property owner is currently requesting a new detached second dwelling per LDC Section 25-2-774 at this location (Please see Correspondence from Paul Yadro-Attachment B). As the applicant is concurrently asking to rezone the property to LR-NCCD-NP through this case, it should be noted that the proposed zoning will not permit the existing single-family residential use or the proposed two-family residential use on this site.

DEPARTMENT COMMENTS:

The property in question is located at the northwest corner of West 45th Street and Speedway. These lots are currently developed with a single-family residence that fronts onto Speedway. The applicant is requesting LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning to redevelop the site with a 2,436 sq. ft. restaurant use.

The site under consideration is within the Residential District of the North Hyde Park Neighborhood Conservation Combining District (NCCD). The Residential District does not permit Restaurant

(limited) or Restaurant (general) uses (Please see Attachment C- North Hyde Park NCCD Ordinance No.20050818-064, Pages 5, 6 & 7).

The staff does not recommend a zoning change to LR-NCCD-NP at this location as it will not allow for a restaurant use on the property. The applicant's request does not include an NCCD amendment to permit this particular use on this site within the designated Residential District. The proposed zoning is incongruous with the intent and uses set out for this district in the North Hyde Park NCCD. In addition, the rezoning request does not meet the goals and objectives of the Speedway District in the Hyde Park Neighborhood Plan (Please see Comprehensive Planning Review comments below). The proposed zoning is not consistent with surrounding land use patterns as it is located adjacent to residential zoning to the north (MF-4-NCCD-NP), south (SF-3-HD-NCCD-NP), east (MF-4-NCCD-NP), and west MF-3-NCCD-NP). The staff has also expressed concern that this site is not adequate in size to meet the parking requirements for the intended restaurant use (1 space for each 100 sq. ft.).

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES	
Site	SF-3-NCCD-NP	Single Family Residence	
North	MF-4-NCCD-NP	Multi-Family Residence (Studio 45)	
South	SF-3-HD-NCCD-NP	Single Family Residences	
East	MF-4-NCCD-NP	Multi-Family Residence (Texas First Properties)	
West	MF-3-NCCD-NP	Multi-Family Residence (108 Place Apartments)	

AREA STUDY: North Hyde Park NCCD

Hyde Park Neighborhood Plan

TIA: Waived

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

<u>CAPITOL VIEW CORRIDOR: N/A</u>

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District Austin Neighborhoods Council

Bike Austin

Central Austin Community Development

45th St. Concerned Citizens

Friends of the Emma Barrientos MACC

Homeless Neighborhood Association

Hyde Park Neighborhood Association

Hyde Park Neighborhood Plan Contact Team

North Austin Neighborhood Alliance

Preservation Austin

Sierra Club, Austin Regional Group

SELTEXAS

Super Duper Neighborhood Objectors and Appealers Organization

Sustainable Neighborhoods

The Real Estate Council of Austin, Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0196.03	To amend the	1/27/12: Approved staff's	CITY COUNCIL
(North Hyde Park	NCCD:	rec. for an NCCD	2/06/12: Approved NCCD-NP on all 3
NCCD Amendment	1)to establish a	amendment to modify Part 6.	
#3- initiated by the	maximum amount	General Provisions:	readings (6-0, B, Spelman-recused
Planning	of development	11. The following provisions	
Commission)	permitted on	apply in all Districts except	himself); S. Cole-1 st , L. Morrison-2 nd .
Commission)	property for a	the Guadalupe District.	L. WOMSON-2
	variety of	a. A one lane circular	
	residential and	driveway is	
	some civic land	permitted on lots	
	uses and	over 100 feet wide.	
	2) to delete a	b. Except as otherwise	
	driveway	provided in the section,	
	provision for	access to a site is limited to	
	duplex	one curb cut. Except in the	
	development.	Residential District, a site	
		that has a total of 100 feet of	
	ĺ	frontage or more may have	
		two curb cuts. In the	
		Residential District, a site	
		may have two curb cuts if	
		the site has a total of 100	i
		feet of frontage or more and	
		has two units or is a through	
		lot. For a duplex use or	l
		single family attached use, a	l
		lot that is at least 50 feet	
		wide may have two one lane	i
		driveways that are a	
	==	maximum of 10' wide if they	
		are-separated-by the house.	
		Add to Pour C C	
		Add in Part 6. General Provisions:	
		The maximum amount of	
		development permitted on a	ł
		property subject to the City	}
		of Austin Land Development	
		Code, Subchapter F, Article	1
		2, Section 2.1 and this	
		NCCD is limited to 0.4 to 1.0 floor-to-area ratio, on the	
		consent (6-0); M. Dealey-	
		1 st ,D. Chimenti-2 nd .	
		. ,D. Chinom-2 .	

C14 04 0106 02 (TI)	LAGOD NO	11/15/00	
C14-04-0196,02 (The	MF-4-NCCD-NP	1/15/08: Approved staff rec.	1/31/08: Approved MF-4-
Enclave: 4525	to	of MF-4-NCCD-NP by	NCCD-NP (7-0); all 3
Guadalupe Street)	MF-4-NCCD-NP	consent (7-0)	readings
	to allow a change		
	in the site		
	development		
	standards on the		ļ
C14 04 0404 01	property		
C14-04-0196.01	To allow Hospital	2/13/07: Approved staff rec.	2/15/07: Approved
(Horn Building: 4611	Services-Limited	of NCCD-NP amendment by	NCCD to change
Guadalupe Street)	Use on the	consent, limited to 10,000	condition of zoning (7-0);
	property at 4611	sq. ft. (9-0)	1 st reading
	Guadalupe Street]	
	in the Avenue A		3/08/07: Approved
	District of the		NCCD-NP zoning (6-0):
	North Hyde Park		2 nd /3 rd readings
G14 04 0104 4600	NCCD		
C14-04-0196 (609	SF-3 to	9/27/05: Approved SF-3-	10/06/05: Approved SF-
Fairfield Lane)	SF-2-NCCD-NP	NCCD-NP w/condition to	2-NCCD-NP zoning
		apply current SF-3	(7-0); all 3 readings
G14 04 0104		restrictions (8-0)	
C14-04-0196	GD.	7/12/05: See Below	9/29/05: Approved GR-
(4505 Duval - Part A)	GR to		MU-NCCD-NP for 4505
	GR-NCCD-NP		Duval-Part A and MF-3-
(4505 D 1 D . D)			NCCD-NP for 45-5
(4505 Duval - Part B)	MF-3 to		Duval – Part B (7-0);
GIA OA OAO (T	MF-3-NCCD-NP		2 nd /3 rd readings
C14-04-0196 (To	To establish the	7/12/05: Approved Hyde	7/28/05: Approved North
establish the NCCD	North Hyde Park	Park NCCD, with exception	Hyde Park NCCD on 1 st
boundaries as 51 st	NCCD, to add	of rec. for 4505 Duval (7-1,	reading, except 4505
Street to the north,	NCCD-NP to each	MM-No)	Duval, which was
45 th Street to the	base zoning		postponed to 8/18/05
south, Guadalupe	district and to		(7-0)
Street to the west and	change the base		
Red River Street to	zoning districts on	i	8/18/05: Approved Hyde
the east)	11 tracts of land.		Park North NCCD-NP
			(6-0); 2 nd /3 rd readings

RELATED CASES: C14-04-0196, C14-04-0196.01, C14-04-0196.02, C14-04-0196.03

ABUTTING STREETS:

Name	ROW	Pavement	Classification	ADT
Speedway	Varies 60'	30°	Collector	6,290
W. 45 th Street		40°	MNR 4	18,045

CITY COUNCIL DATE: October 16, 2014

ACTION:

ORDINANCE READINGS: 1st

 2^{nd}

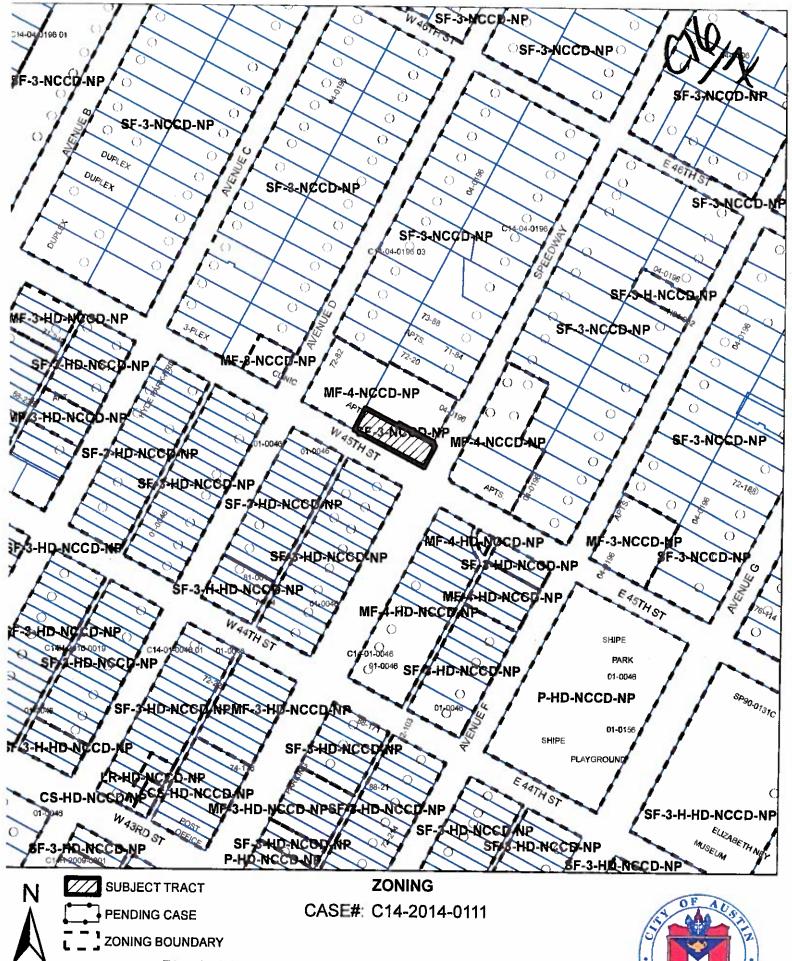
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ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057

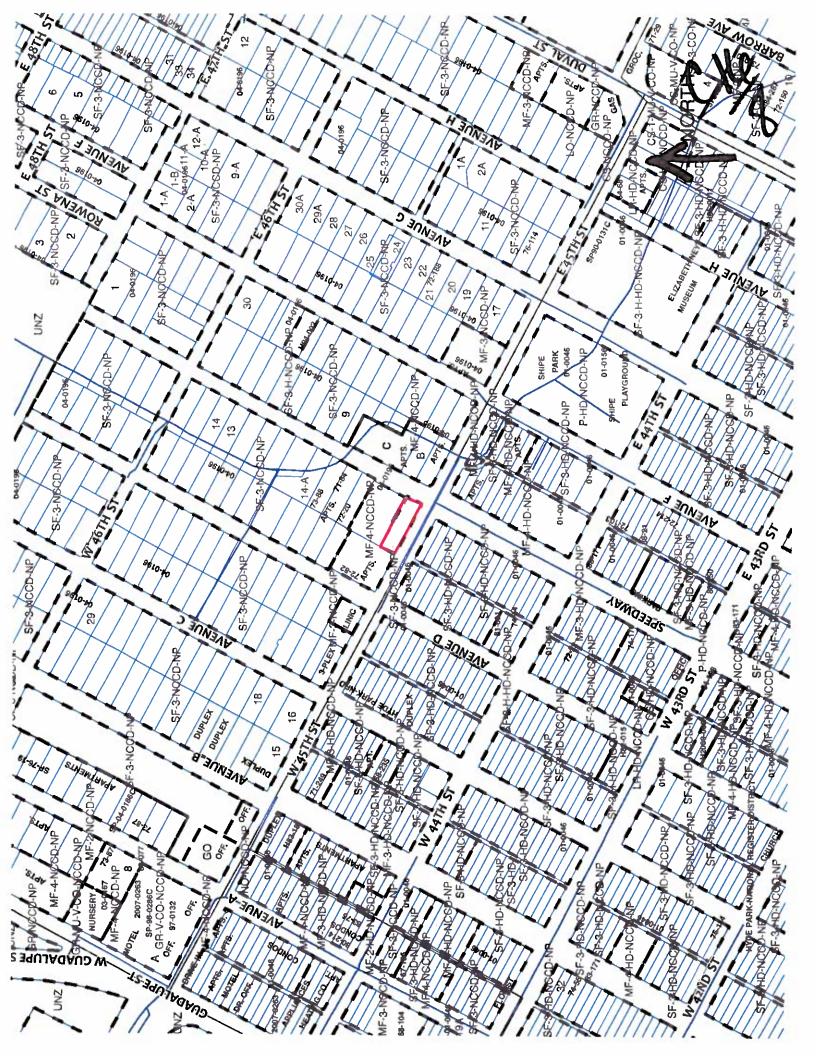
sherri.sirwaitis@ci.austin.tx.us

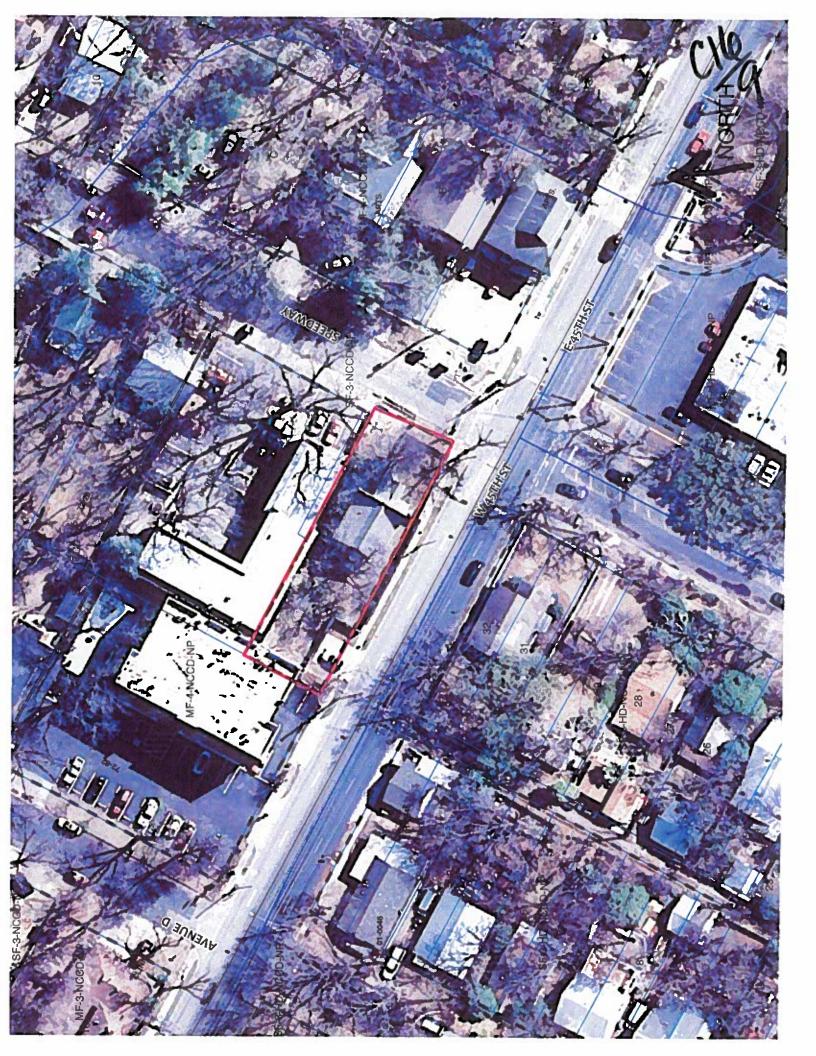


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 " = 200 '

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





STAFF RECOMMENDATION

The staff's recommendation is to deny LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning.

However, if the requested zoning is recommended for this site by the Planning Commission, then Transportation review recommends that 30 feet of right-of-way from the centerline of Speedway be dedicated to the City through a street prior to 3rd reading of this case at City Council in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

BASIS FOR RECOMMENDATION

1. The proposed zoning should be consistent with the purpose statement of the district sought,

Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The purpose of a neighborhood conservation (NC) combining district is to preserve neighborhoods with distinctive architectural styles that were substantially built out at least 30 years before the date an application for an NC combining district classification is filed.

The site under consideration is within the Residential District of the North Hyde Park Neighborhood Conservation Combining District (NCCD). On the Commercial Base District Table in the original North Hyde Park NCCD Ordinance (Ordinance No. 20050818-064), it establishes the permitted and conditional uses for the property in commercial zoning districts within the North Hyde Park NCCD. Column A of this table shows that the Residential District does not allow for uses that are permitted in less restrictive zoning districts than the NO, Neighborhood Office District. Therefore, the Residential District does not permit Restaurant (limited) or Restaurant (general) uses.

The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.

The rezoning request does not meet the goals and objectives of the Speedway District within the Hyde Park Neighborhood Plan (please see Comprehensive Planning Comments below).

2. The proposed zoning should promote consistency and orderly planning.

The proposed zoning is not consistent with surrounding land use patterns as it is located adjacent to residential zoning to the north (MF-4-NCCD-NP), south (SF-3-HD-NCCD-NP), east (MF-4-NCCD-NP), and west MF-3-NCCD-NP).

EXISTING CONDITIONS



Site Characteristics

The site under consideration is developed with a single-family residence that fronts onto Speedway. There are multifamily residential uses directly to the north, east and west and single-family residential homes to the south, across West 45th Street.

Comprehensive Planning

SF-3-NCCD-NP to LR-CO-NCCD-NP

The zoning case is located on the northwest corner of Speedway and W. 45th Street, in the Hyde Park Neighborhood Plan area. The property contains a single family house, which is situated on a .187 acre parcel. Surrounding land uses includes apartment buildings to the north, east and west, and single family housing to the south. The proposed use is commercial.

The Hyde Park Neighborhood Plan (HPNP)

The HPNP does not have a Future Land Use Map. The following goals, objectives and text are relevant to this case:

Goal 1: Preserve and enhance the unique historic and residential character of Hyde Park. (p 11)

Objective 1.3. Preserve historic structures and encourage appropriate maintenance and restoration.

Speedway District: (p 13) Purpose: To preserve the remaining single family homes in an appropriate context by permitting some redevelopment of multi-family projects that may offer a relaxing of some rules in exchange for putting back the traditional elements (primarily of the streetscape) that were lost when the apartments replaced homes. Additionally, to encourage owners of single family homes to roll back their base zoning to single family, to maintain the civic uses in a scale and use compatible with the predominant residential character and to seek to reduce the amount of surface parking in this district.

Zoning Code Revisions: Roll back properties to the least intensive zoning district that supports current use or a proposed less intense use. Offer some incentive for redevelopment as an encouragement for rollbacks. Maintain traditional civic and commercial uses without encroaching on residential character and value, including the streetscape value. Modify site development rules to preserve and enhance traditional development patterns. (p. 13)

- Complete the Neighborhood Conservation Combining District (NCC) ordinance
 which will revise the zoning laws to foster the preservation of the neighborhood while
 respecting different the different land uses in different parts of Hyde Park. Elements of
 this ordinance will include addressing the following: Change uses and structures and build
 new structures only in ways that are in scale and compatible with surrounding uses and
 structures. (p. 16)
 - + New development along 45th Street should be required to face the avenues. This is an existing pattern in most of the neighborhood that should be preserved. Planning Principle DRID (p 31)

ignage urterial.

- 36. Large trucks should be prohibited from using 38th street at all times. Appropriate signage at access points should be installed. It is understood that this road functions as an arterial. Truck traffic on 45th and 1H-35 if preferred. City Action Item PWF
 - + Single family developments on 45th. and E. 38th should keep current single family zoning and use. Planning Principle: DRID (p 31)

Based on the goals and text above, it appears that the HPNP does not support rezoning residentially zoned properties to commercial along 45th Street.

Imagine Austin

Because the property is not located along an Activity Corridor or within an Activity Center as per the Imagine Austin Growth Concept Map, it falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain and a critical water quality zone within the project location. Development is limited within the floodplain and the critical water quality zone per LDC 25-8-364 and LDC 25-8-261, respectively.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Clys

Zoning district impervious cover limits apply in the Urban Watershed classification.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted,

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the W 45th St property line, the following standards apply:

- · No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a
 fence, berm, or dense vegetation must be provided to screen adjoining properties from
 views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

FYI: This site is in a NCCD, it is also within the Hyde Park neighborhood plan.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Speedway in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables I-7, 1-12.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Speedway is classified in the Bicycle Plan as Bike Route No. 47. W. 45th Street is classified in the Bicycle Plan as Bike Route No. 32.

Capital Metro bus service (Route No. 681 UT Shuttle) is available along Speedway. Capital Metro bus service (Route No. 338) is available along W. 45th Street.

There are existing sidewalks along W. 45th Street but no sidewalks along Speedway.

Please contact Nadia Barrera, Urban Trails, Public Works Department regarding pedestrian connectivity per the Council Resolution.

Cla

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Speedway	Varies	30°	Collector	6,290
W. 45 th Street	60'	40°	MNR 4	18,045

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



City of Austin

Windshed Protection and D. vi lopmont Rivness Expression One II cas Center, 505 Barton Sprins, Foods P.O. Box 1058, Austin, 1550 5876

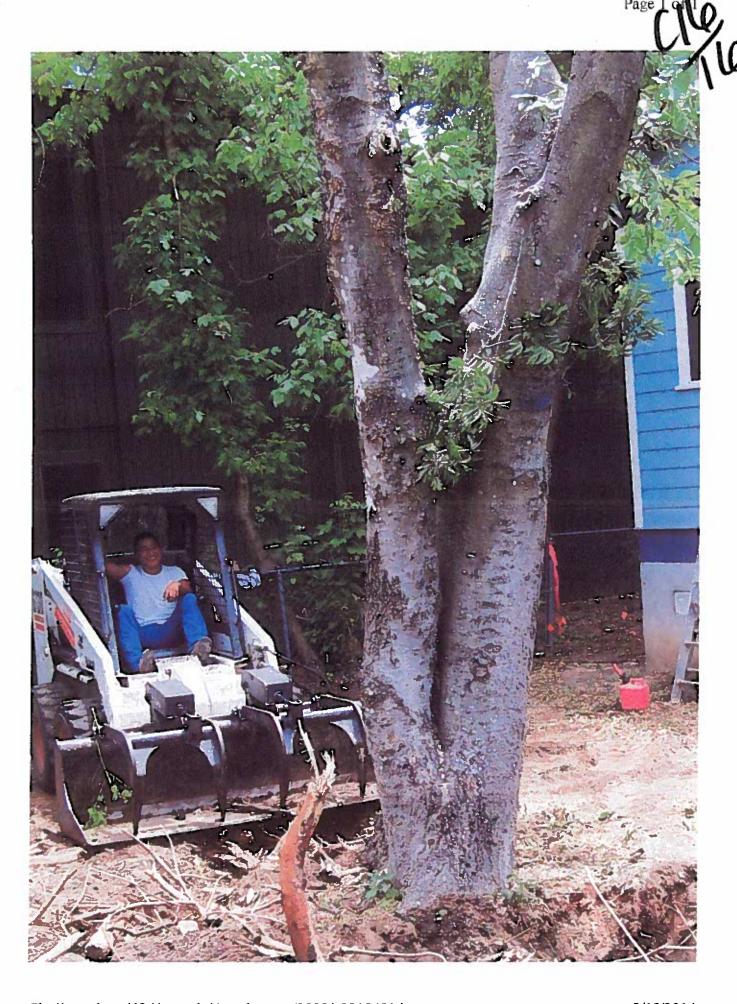
Albert Ledesma

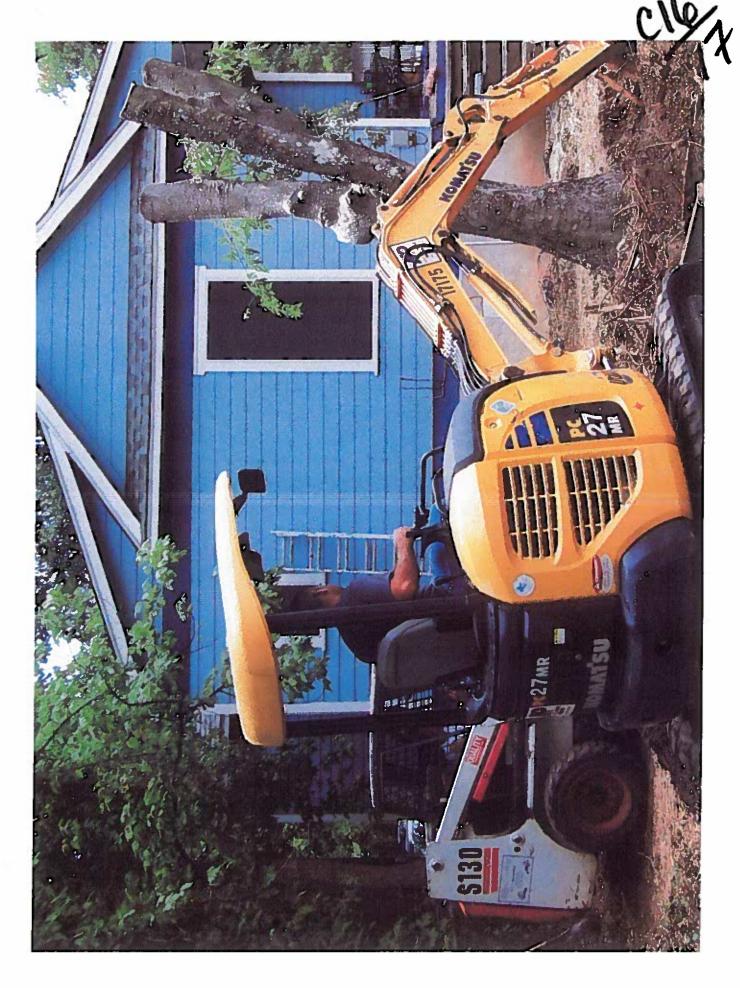
Attachment A

NOTICE OF ORDINANCE / AUSTIN CITY CODE VIOLATION LAND DEVELOPMENT CODE SECTION 25-8: ENVIRONMENT

SUBCHAPTER B, ARTICLE 1: TREE AND NATURAL AREA PROTECTION

			23 HB
Date: 7 23-09			down
Site Plan No. / Case No. / Br			
Address Location;	4500 Spe	educus	(@ 45m)
Owner Name / Address:	1		
Environmental Inspector:	4500 Spe Bonny to	blones	
An inspection of the above reacticumference of 60 inches minimum preservation standard	or more, nicasured fo	ur and one-half feet	rotected sized-free, that is, a free win above natural grade, has not met the tion ordinances.
to the City Arborist, Watersl Barton Springs Road, P.O. I.	hed Protection and De Box 1088, Austin, TX er with the applicable	velopment Review 1 78767 (or facsimile application fee. A	eview Application must be submitted. Department. One Texas Center, 50 974-3010) within seven (7) days a copy of the application is attached sees preserve code htm.
Failure to comply with this criminal penalties of up to S	Notice may result in \$2,000.00 per day.	further legal actio	on by the City of Austin, includin
Please contact the City Arbor	rist, at (512) 974-1876.	, for information am	d assistance in complying with thes
requirements.			1050 malacament
Sincerely, B. Hol	mes		10000 replacement
For: Victoria J. Li, P.E., Di Watershed Protection	irector and Development Revi	gw Department	
Notice to relived by	1/1/		Owner I nemeeting/Contractor.
a Nonce pusted on site	Alber	t Ledesma	A Second Management
White Copy - City Arburist	Yellow Copy - EV Inspec	,	- Owner Engineer/Contractor Posted on Site





Attachment B

Sirwaitis, Sherri

From:

Sirwaitis, Sherri

Sent:

Tuesday, August 12, 2014 11:02 AM

To:

Heckman, Lee

Cc:

Yadro, Paul

Subject:

RE: Re: 4500 Speedway (Zone Change and Res. PR have been submitted)



Hi Lee and Paul,

Thanks for the information. Jerry recently handed me the zoning case and I have just begun working on it. I will pass Paul's comments on to the applicant and ask if they still intend to proceed with the rezoning of the property as the proposed zoning will not permit the residential use.

Thank you,

Sherri Sirwaitis

City of Austin

Planning & Development Review Department

<u>sherri_sirwaitis@austintexas.gov</u>

512-974-3057(office)

From: Heckman, Lee

Sent: Monday, August 11, 2014 2:56 PM

To: Sirwaltis, Sherri **Cc:** Yadro, Paul

Subject: FW: Re: 4500 Speedway (Zone Change and Res. PR have been submitted)

Sherri: Did this end up on your desk?

Paul: Great catch. I think they are doing something with the NCCD, too, but don't know enough to stick my head in and mix things up.

From: Yadro, Paul

Sent: Monday, August 11, 2014 2:54 PM

To: Heckman, Lee

Subject: Re: 4500 Speedway (Zone Change and Res. PR have been submitted)

Lee,

I just started review on a Residential Plan Review for a new detached second dwelling per LDC 25-2-774 for this property and noticed that the applicant had submitted a Zone Change (you are the Case Manager) on 07/02/14 to change the zoning from SF-3-NCCD-NP to LR-NCCD-NP.

I believe that someone is going to have issues with this and I need to bring this to your attention and possibly meet with you to discuss.

Right now its zoned SF-3; however, they are proposing a zone change to LR. I know the ORDER of PROCESS – however, their pending zone change to LR does not permit S-F Res. Let alone Two-Family Res.

Let me know when you can meet,

Paul W. Yadro Jr., AICP
Planner Senior
Planning and Development Review Dept. – City of Austin
OSS / Residential Review Division
505 Barton Springs Rd, Austin, TX 78704
(512) 974-3553
Paul.Yadro@austintexas.gov



** We are currently experiencing a high volume of activity. We make every effort to respond to you by the end of the next business day. Thank you in advance for your patience. **

NEW HOURS Effective January 28th, 2013 Intake: Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am General Information Walk-Ins: Mon/Wed/Fri 8-11am CLOSED TUESDAY & THURSDAY (to perform reviews)

PART 5. Permitted and Conditional Uses.

C/6/

1. Residential Base Districts.

- a. Except as provided in this section, the permitted and conditional uses for the residential base zoning districts apply in accordance with the Code.
- b. A group residential use is prohibited in the North Hyde Park NCCD-NP.

2. Commercial Base District.

- a. Except as otherwise provided in this ordinance, the following table establishes the permitted and conditional uses for property in commercial zoning districts in the North Hyde Park NCCD-NP.
- b. Column A applies to property with commercial zoning in the Residential District.
- c. Column B applies to property in the Duval District.
- d. Columns C & D apply to property that has commercial zoning in the Avenue A District.

COLUMN	Α	В	С	D	
0.5	Residential District	Duval Commercial District	Avenue A District	Avenue A District	
USES	NO	CS/GR	GR		
Administrative and business offices	Р	P	P	Р	
Art Gallery		Р /	Р.	Р	
Art Workshop	()	P	P		
Commercial off-street parking		22	С	¥	
Condominium Residential		Р		K	
Congregate living	С		C	С	
Consumer convenience services	**	P	P	2	
Consumer repair services		Р	P	1 2:	
Cultural services	mm. (P_	Р	₽	
Custom manufacturing	***	С	**	0,00	

				M	
				(N) 1/2 1/2	
COLUMN	Α	В	С	-/A/V	
	Residential District	Duval Commercial District	Avenue A District	Avenue A District	
USES	NO	CS/GR	GR	GO	
Club or lodge				**	
Day care services (limited)	P	Р	Р	P	
Day care services (general)	Р	Р	P	Р	
Day care services (commercial)	de la	С	Р	С	
Duplex residential	Р	P	Р	P	
Family home	P	Р	P	P	
Financial services		P	Р	Р	
Food Preparation	b o	Р		-	
Food sales	p	Д	Р	_	
General retali sales (convenience)		Р			
General retail sales (general)		P	Р	_	
Group home class I (limited)	P	þ	Р	Р	
Group home class I (general)	Р	Р	P	Р	
Group home class II	С	_ c	P	Р	
Guidance services	b-q	P	P	Р	
Hospital (limited) not to exceed 2500 s.f.		Р	Р		
Indoor entertainment	W-si	С			
Laundry services		С			
Local utility services		Р	Р	Р	
Medical offices (not over 2500 s.f.)		Р	Р	P	
Medical offices (over 5000 s.f.)		70	Р	P	
Multifamily residential	==	P	P	-	
Off-site accessory parking			С		
Personal improvement services	National Property and Property	Р	P		
Personal Services	dia tay	P	P	Ρ	
Private primary educational facilities	P	P	Р	Р	
Private secondary educational facilities	Р	Р	Р	Р	
Professional office	Р	P	Р	P	
Public primary educational facilities	Р	P	Р	-	
Public secondary educational facilities	Р	Р	Р	-	
Religious assembly	P	P	Р	P	
Restaurant (Ilmited)		P	Р		
Restaurant (general)	-	Р	Р	-	
Single-family residential	Р	Р	Р	_	

COLUMN	Α	В	С	DV	
	Residential District	Duval Commercial District	Avenue A District	Avenue A District	
USES	NO	CS/GR	GR	GO	
Software development	С	P	Р	Р	
Theater		p	С	-	
Two-family residential	Р	Р	Р		
Veterinary services (not to exceed 2500 s.f.)		P	Р		

- 3. This section applies to the uses established in Section 2 of this part.
 - a. The maximum size of a day care services (commercial) use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C and Column D is 5000 square feet.
 - b. A financial service use or food sales use permitted under Column B or Column D may not include a drive-in service.
 - c. The maximum size of a private primary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
 - d. The maximum size of a private secondary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
 - e. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or Column C is 2500 square feet.
 - f. The maximum size of a theater use permitted under Column B or Column C is 5000 square feet.
 - g. The maximum size of a cultural services use permitted under Column D is 5000 square feet.

Heckman, Lee

From:

Harden, Joi

Sent:

Monday, July 28, 2014 2:44 PM

To:

Heckman, Lee

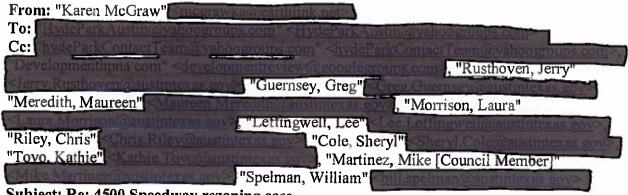
Subject:

FW: 4500 Speedway rezoning case

Attachments:

City of Austin Development Web Map.pdf

Begin forwarded message:



Subject: Re: 4500 Speedway rezoning case

Neighbors and City staff.

Here is the link to the case. The owners are seeking a restaurant use.

https://www.austintexas.gov/devreview/b showpublicpermitfolderdetails.jsp?FolderRSN=11175 326

The North Hyde Park NCCD outlines permitted uses in the Residential district and "restaurant" uses are not permitted. See table on pages 5 and 6 of the North HP NCCD. Simply changing the zoning district to "LR" will not automatically allow restaurant use.

The city continues to declare that Hyde Park does not have a FLUM and therefore there is never a need to modify the adopted Neighborhood Plan regardless of the nature of a zoning case. The City completed and adopted the HP Neighborhood Plan before it thought of the idea of including a FLUM in neighborhood plans. This is now to the detriment of any neighborhood plan (HP included) adopted prior to the FLUM idea.

The "Proposed Land Use Plan" on page 15 of the adopted HP Neighborhood Plan clearly indicates that there are districts and that this property falls within the "Residential" District. To claim that there were no intended future land uses is incorrect. The Proposed Land Use Plan on page 15 certainly suffices as the equivalent to the "FLUM" with the only difference being the use of the word "FUTURE" instead of "PROPOSED". This proposed change to LR will require a change to the Table on pages 5 and 6 outlining permitted uses in the Residential District as well as a change to the PROPOSED LAND USE PLAN on page 15.

The city's proposed "CO" is both an inappropriate tag as an addition to the NCCD designation but absurd as a control to limit traffic at the site to no more than 2000 trips per day!

This property is fully within the city's 25 year floodplain and flooding was experienced days ago in this area. This is never mentioned in the application to rezone. Years ago when the LEE brothers bought this property they met with neighbors and said they wanted to build more housing on the site but found out it was in the flood plain after they had it under contract. Neighbors' understanding at the time was that nothing more could be added to the site including impervious cover. A few years ago the city issued a permit to put in a wide curb cut in front for more parking. Since this violated the NCCD it was withdrawn. Today neighbors report there is an airstream trailer on site (second dwelling unit?).

This property is zoned SF3-NCCD-NP and as such is a residential building and site. There is currently a permit to descale a plumbing line in the boiler room of this "commercial" building. This is either a simple error or a misguided effort to create city errors and to get a "commercial" use on the record. This permit needs to be corrected or rescinded immediately.

There was an attempted "HP amendment filed in 2005 to rezone for office use". This appears to have been dropped.

The city needs to get information in order on this site, check all permits and current site use and activity, and make rational assessments of the flooding situation. In April of 2013 the Hyde Park Contact Team invited Kevin Shunk of Floodplain Management to a meeting to discuss the situation of the flooding of the 4500-4600 blocks of Avenue D and Speedway in North Hyde Park. This is currently designated as the #1 Priority Action Item by the HP Contact Team. Mr. Shunk noted that this area is high on the TOP 5 list of flood prone areas in the City of Austin. Since that time over 100 apartments have been completed along Waller Creek just above this area. We hear that UT will be relocating its tennis courts to the west side of Waller Creek and of course there city regulations are not applicable.

While some HP neighbors think a restaurant at this site is a neat idea, a restaurant with no parking will not survive, and paving more of this area will likely not be recommended by Floodplain Management staff. Restaurants generally require a trash dumpster, loading area and parking for staff as well as customers. There is no available street parking adjacent to this property.

All issues need to be addressed before this moves forward to any hearings and the NP amendment process is in order if this goes forward.

There are many homes on busy streets in Austin and many along 45th St. in this area. The owners of this property could certainly enhance the livability of this site by planting street trees and vegetation to buffer the noise and traffic as other owners have done. Changing the property to a commercial use is not an appropriate way to reasonably use this residential property.

So far this case is already taking up neighbors' time with only inadequate information available.

Thanks,

Karen McGraw AIA
Former Hyde Park Contact Team Chairman
4315 Avenue C

On Jul 19, 2014, at 10:35 PM, 'David Conner' via DevelopmentReview wrote:

To Lee Heckman, city staff, and Alexandra Jashinsky, Husch Blackwell, LLP

Concerning Case Number 2014-069700 ZC 4500 Speedway 78751 Hyde Park



To whom it may concern,

This applicant has not come to the Hyde Park Development Review Committee (DRC) related to their request for a zoning change. Neighbors have now received notices without any specific information of why or what the request is for.

Also the owner nor the agent, Alexandra Jashinsky, contacted any Neighborhood representative.

As Chair of the Hyde Park Neighborhood Association (HPNA) Development Review Committee (DRC) and Past President of the Hyde Park Neighborhood Association, I strongly recommend that the agent and the owner contact DRC as soon as possible and let us know what the plans are.

I like to remind you the Hyde Park area is a National Register District and a Local Historic District and has a registered Neighborhood Plan (NP) on file with the city, and most importantly is a NCCD. Any zoning change that goes against the NP and the NCCD will need to be addressed.

Also, I am also Very Surprised that No City Staff nor the Agent has contacted DRC or HPNA and can let you know Now there is opposition to this zoning change and neighbors will be at the commissions, if necessary.

Sincerely,

David Conner, HPNA Development Review Committee Chair

You received this message because you are subscribed to the Google Groups "DevelopmentReview" group.

To unsubscribe from this group and stop receiving emails from it, send an email to developmentreview+unsubscribe@googlegroups.com<mailto:developmentreview+unsubscribe@googlegroups.com<, and a stop receiving emails from it, send an email to developmentreview+unsubscribe @googlegroups.com

To post to this group, send email to

developmentreview@googlegroups.com<mailto:developmentreview@googlegroups.com>.

Visit this group at http://groups.google.com/group/developmentreview.

For more options, visit https://groups.google.com/d/optout.

Sirwaitis, Sherri

From:

Allison Moseley

Sent:

Tuesday, September 02, 2014 11:47 AM

To: Subject: Sirwaitis, Sherri C14-2014-0111

Dear Ms. Sirwaitis,

I again received a notice from the City of Austin regarding a proposed zoning change for a property close to our residence. I've read these notices through several times, and am still not sure exactly what the owner intends to do with the property, apart from changing the zoning from residential to commercial.

After looking at the documents online, it seems as if the owner is planning to open a restaurant, and plans to accommodate over 200 car trips per day. If this is indeed the case, I would like to know what the plans are for controlling vermin and traffic in the area. 45th is already a very busy street, accidents are frequent, and the street is dangerous for pedestrians. Adding more congestion to the corner is a concern. There is already a great deal of trouble with auto congestion and accidents at the entrance to the Walgreen's at 45th and Avenue A; having another busy parking lot just another few blocks away will certainly add to the danger. There is no center turn lane on 45th anywhere.

Also, a restaurant means dumpsters with leftover food, and that means rats. Having an infestation of rats in the area is not something anyone is interested in.

1 hope someone is looking into these matters. Right now the neighborhood is mainly residential and fairly low-key. If you go to the area on Duval near 43rd, where several restaurants are located, you will see that the dumpsters behind the restaurants are filthy and smelly. They are located in a parking lot, so they are not particularly noticeable, but there is no real space at the property on 45th and Speedway to accommodate a large parking lot and dumpsters, so I wonder how this problem is going to be dealt with? The house borders on other residences, and rats can spill over in all directions. And where will there be space to park cars?

Although the notion of a nice restaurant nearby is theoretically nice, I wonder if it is really a practical, viable location.

Best,

Allison Moseley Austin, Texas

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

http://www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.	Case Number: C14-2014-0111 Contact: Sherri Sirwaitis, 512-974-3057 Public Hearing: Sep 9, 2014, Planning Commission Oct 16, 2014, City Council	Your Name (please print) 44// Av c. (7875)	Your address(es) affected by this application Signature Signa	Comments: This Intersection is 100%, residential. New rowing is out of	intersection of 35th of	Places do not allow this charge.	If you use this form to comment, it may be returned to: City of Austin Planning & Development Review Department Sherri Sirwaitis P. O. Box 1088 Austin, TX 78767-8810
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en. Dumpiter etc. Albry Col ☐ I am in favor comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the property (and reshberhood! date of the public hearing, and the Case Number and the contact person 7102/ contact person listed on the notice) before or at a public hearing. Your X I object retal borhow tresh that comes OF ressins make A Lither Public Hearing: Sep 9, 2014, Planning Commission bes If you use this form to comment, it may be returned to: 913-593-6315 Oct 16, 2014, City Council Residential character of the is just not a good L 102年 54900rt Planning & Development Review Department Your address(es) affected by this application Contact: Sherri Sirwaitis, 512-974-3057 Norse/smell / Animals in Incressed vehicular - Use inconsisted with probles Brandon De Kosky Signature Case Number: C14-2014-0111 Speedmay VANCTO Your Name (please print) Austin, TX 78767-8810 Trackent listed on the notice. Daytime Telephone: Inskam 65 lectoral le TIE City of Austin Sherri Sirwaitis P. O. Box 1088 4409 Comments:

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Case #: C14-2014-0111 4500 Speedway Rezone



The house at 4500 Speedway should remain a residence and not be changed to commercial property – restaurant, coffee house or whatever. There is housing on all sides of the property now. The caddy-corner angle is Shipe Park - nothing commercial around. There is zero parking available there, no place to make spaces, and Speedway there is already loaded up with parked cars (see photo from a 3pm weekday). Obviously 45th is busy with no parking.

There are homes, a duplex or two, and a couple old apartment complexes adjacent. The house at 4500 fits nicely in the neighborhood and should be preserved as such.

Hyde Park already has assorted locations where business can flourish. Changing 4500 is not beneficial. There are plenty of locations already zoned in Hyde Park for commercial and non-residential use, and many appear to be underutilized and even boarded up – especially along Guadalupe. The character of Hyde Park is critical to its value and opening the door to new commerce especially along the center would be an irreversible detriment.

Perhaps the biggest concern to the zoning change is that even if the proposed use of the property sounds good, should the business either fail or just sell out to the next buyer, the property use is now in some larger category that would allow many other, perhaps less desirable, purpose for which there would be limited ability to rein in.

Ultimately, Hyde Park is a unique neighborhood and its character is critical to its vitality and value. It doesn't need more coffee houses, donut shops, grocers, vapor stores, tattoo parlors, or even art galleries. It needs an available pool, the existing parkland, and some care given to some of the houses in which people live and churches where they might commune. There are plenty of gathering spots spewing Wi-Fi, food, and drink. The location at 4500 Speedway looks like it would be a bad choice in any case.

I oppose this proposed zoning change. There are so many other options available that don't require any change.

Tom Starnes

8513 Alverstone Way

Austin TX 78759

(512) 345-4074

Owner of house at 4403 Avenue C

Sept 5, 2014

CASE C14-2014-0111 4500 Speedway

ALPEADY THE STREET IS CLOGGED
WITH PARKED CARS, MAKING DIFFICULT
TRAVEL FOR ALL

(ALL VIEWS ARE SOUTH ON 45+4)

